

APPENDIX E

TRANSPORTATION PLAN

(See subsection 8-104)

The provisions of subsection 8-104 of this Regulation require that transmission instructions or a separate transportation plan be included with any contract, agreement or other arrangement involving the release of classified material to foreign entities. The transportation plan is to be submitted to and approved by applicable DoD authorities. As a minimum, the transportation plan shall include the following provisions:

- a. A description of the classified material together with a brief narrative as to where and under what circumstances transfer of custody will occur;
- b. Identification, by name or title, of the designated representative of the foreign recipient government or international organization who will receipt for and assume security responsibility for the U.S. classified material (person(s) so identified must be cleared for access to the level of the classified material to be shipped);
- c. Identification and specific location of delivery points and any transfer points;
- d. Identification of commercial carriers and freight forwarders or transportation agents who will be involved in the shipping process, the extent of their involvement, and their security clearance status;
- e. Identification of any storage or processing facilities to be used and, relative thereto, certification that such facilities are authorized by competent government authority to receive, store, or process the level of classified material to be shipped;
- f. When applicable, the identification, by name or title, of couriers and escorts to be used and details as to their responsibilities and security clearance status;
- g. Description of shipping methods to be used as authorized by the provisions of Chapter VIII, together with the identification of carriers (foreign and domestic);
- h. In those cases when it is anticipated that the U.S. classified material or parts thereof may be returned to the United States for repair, service, modification, or other reasons, the plan must require that shipment shall be via a carrier of U.S. or recipient government registry, handled only by authorized personnel, and that the applicable Military Department (for foreign military sales (FMS)) or Defense Investigative Service (for commercial sales) will be given advance notification of estimated time and place of arrival and will be consulted concerning inland shipment;

i. The plan shall require the recipient government or international organization to examine shipping documents upon receipt of the classified material in its own territory and advise the responsible Military Department in the case of FMS, or Defense Investigative Service in the case of commercial sales, if the material has been transferred enroute to any carrier not authorized by the transportation plan; and

j. The recipient government or international organization also will be required to inform the responsible Military Department or the Defense Investigative Service promptly and fully of any known or suspected compromise of U.S. classified material while such material is in its custody or under its cognizance during shipment.